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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

IN THE MATTER OF:

BUDGET OF SUPERIOR COURT CLERK
FOR FISCAL YEAR 1997-1998

Administrative Order
No. 97-30

STAY ORDER

This court has considered the request of the Yuma County Board of Supervisors (the "Board") for a stay of this Court's Administrative Order No. 97-30, dated July 23, 1997, and makes the following findings and rulings:

1. The Board's Motion to Stay Order has been filed herein by the Yuma County Board of Supervisors (the "Board"), pursuant to Rule 5, Arizona Rules of Procedure for Special Actions.

2. The Motion requests this Court to enter its order to stay its Administrative Order No. 97-30 in order to permit the Board an opportunity to seek review of that Order by way of special action to the Supreme Court of Arizona. The Board seeks the entry of the stay from this Court to alleviate the necessity of seeking a similar order from the Supreme Court "when the special action is filed." In support of its Motion, the Board alleges there is not sufficient time to:

- (1) Have the special action filed;
- (2) Allow for the filing of a response by counsel for the Court;

1 (3) Hold a hearing before the Supreme Court; and

2 (4) Obtain a decision prior to the August 11th deadline.

3 3. This Court's Administrative Order No. 97-30 was filed and served upon the
4 Board on July 23, 1997. The Order directed itself to items to be included in the
5 "final" budget to be adopted by the Board for fiscal year 1997-98 which, pursuant to
6 statute, must be adopted by the Board no later than August 11, 1997.

7 4. As described in the Court's Administrative Order No. 97-30, this Court has
8 previously provided information to the Board about the necessity of the funds
9 requested by the Clerk's office for services mandated by law for this separately elected
10 public official, and judicial officer. The Board has had the opportunity to view the
11 workings of the Clerk's office first hand, and has been informed on several occasions
12 that, in light of cuts incurred in the past two fiscal budget years, the Board's "across-
13 the-board" budget cuts cannot be absorbed by the Clerk's office this fiscal year.

14 5. Since this Court has issued its Order requiring the Board to fund the Clerk
15 of the Superior Court in the amount no less than \$852,502.00 for fiscal year 1997-98,
16 this Court has communicated with the Board on several occasions, and the Board has
17 had the opportunity to collect information and decide how to fund the Clerk's office.
18 The Board must, by August 11, 1997, decide finally whether to adequately fund the
19 Office of the Clerk of the Yuma County Superior Court so that the Clerk can carry out
20 the functions mandated by State law. Effectively, the budgeting process will be
21 concluded as of that date.

22 6. In its Motion, the Board has stated that, rather than fund the Clerk's office at
23 the ordered amount, the Board decided to " earmark" funds, and allocate those funds
24 for use by the Clerk of the Court should the Supreme Court affirm this Court's
25 Administrative Order 97-30 upon a challenge by special action.

26 7. The Court recognizes that the Board still has the opportunity to amend the
27 budget, and on August 11, 1997, fund the Clerk of the Court in an amount sufficient to
28 allow the Clerk to perform the mandated functions required of that office.

1 Additionally, this Court has always, and continues to be motivated by the desire to
2 cooperate with the legislative branch of Yuma County government.

3 8. The Board has asked that the Order be stayed for an unspecified time to
4 permit the board to take a special action.

5 Based upon the foregoing,

6 IT IS ORDERED that the Board's request for a stay for an unspecified or
7 unlimited time period is denied. However, the Court agrees that it will not assert that
8 the Board, by not timely filing a special action proceeding, has acquiesced to the Order
9 or waived any objection to the Court's Order in any special action proceeding filed
10 within 30 day from this date.

11 IT IS FURTHER ORDERED that Administrative Order 97-30, requiring the
12 Board of Supervisors of the County of Yuma, State of Arizona, to fund and make
13 available to the Clerk of the Superior Court for use during the fiscal year 97-98,
14 monies no less than \$852,502.00, shall be temporarily stayed until August 12, 1997.
15 The stay is granted in the hope that the Board will reconsider and adopt a final budget
16 as requested by the Clerk and as ordered by this Court.

17 IT IS FURTHER ORDERED that this Stay Order shall have no effect upon the
18 statutory duties of the Board to adopt a final budget for Yuma County for fiscal year
19 1997-98 on or before August 11, 1997.

20 IT IS FURTHER ORDERED that this Stay Order shall not prejudice the right
21 of any interested party to file such a special action proceedings on or before the
22 expiration of this Stay Order.

23 DATED this 7th day of August, 1997.

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25 

26 Presiding Judge

27 Copies to:

28 Hon. Thomas A. Zlaket, Chief Justice, Arizona Supreme Court
Dave Byers, Administrative Director, AOC

1 Paul J. Mooney, Attorneys for Yuma County Board of Supervisors
Superior Court Judges
2 Hon. H. Stewart Bradshaw
Hon. Thomas A. Thode
3 Hon. Philip L. Hall
Hon. Kirby Kongable
4 Steve Gallaher, Court Administrator
Beverly Frame, Clerk
5 Clyde Cuming, Chairman, Yuma County Board of Supervisors
Wally Hill, County Administrator
6 Helen Leslie Hall, Office of the Attorney General
Thomas I. McClory, Office of the Attorney General
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